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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,564	09/28/2001	Toshiaki Otsuki	392.1726	2579

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT PAPER NUMBER

2121

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,564

Applicant(s)

OTSUKI ET AL.

Examiner

Ronald D Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5 and 9 is/are allowed.
- 6) ☒ Claim(s) 6 and 8 is/are rejected.
- 7) ☒ Claim(s) 1 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

interpreted to be any one of the three operations listed in the second limitation (acceleration, deceleration or command speed operation) as to be performed by the claimed acceleration-deceleration determination means.

Allowable Subject Matter

4. Claims 1-2, 5 and 9 are allowed.

As per claims 1-2 and 9, specifically independent claim 1, the prior art of record fails to teach or adequately suggest a method for acceleration and deceleration control for supplying a movement command to a servo control section wherein movement commands are made by acceleration and deceleration processing so that the movements will lie along a predetermined speed-acceleration curve, wherein the curve is set for each axis in advance, wherein the curve has different magnitudes depending on whether an axis is accelerating or decelerating and where for plural speeds of the speed-acceleration curve, corresponding plural accelerations, or corresponding plural decelerations, of the speed-acceleration curve are based, equal to, or approximations of corresponding plural accelerations of the predetermined speed-acceleration curve, in combination with the other claimed features and or limitations as claimed by the claimed invention.

As per claim 5, the prior art of record fails to teach or adequately suggest a method for acceleration and deceleration control to be used by a numerical control device, wherein the numerical control device comprises a memory for storing speed-acceleration information in the form of a table, which is considered to be an obvious variation of the previously claimed "speed-acceleration curve", as per claim 1, and thus it follows that this claim is allowable for at least the same reasons as claim 1 since the use of a speed-acceleration curve or obvious variation thereof, including the addition of a speed determination means which allows for three distinct operations to be handled, in combination with the other claimed features and or limitations as claimed by the claimed invention, are representative of features not adequately contemplated by the prior art of record.

DETAILED ACTION

1. Claims 1-2, 5-6 and 8-9 are presented for further examination.

Election/Restrictions

2. Newly submitted claim 10 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The "robot" feature has not been previously described by way of any of the originally previously presented claims, either in independent form or dependent form, or in any part of the specification thereof and has been added only after an office action on the merits of previously presented and originally claims 1-5. Therefore, since the newly added claim (10) is directed towards "Robot Control" which finds applicability in class 700/245 and the previously examined claims (1-2, 5-6 and 8-9) are all directed towards "Generic Acceleration/Deceleration Control" which finds applicability in Class 700/63, clearly a new search would need to be performed by the examiner which would create an undue burden on the examiner.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 10 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

3. Claim 1, lines 13-14, delete the use of parentheses and use commas in their place. Also, in line 14, delete the first instance of "or".

Claim 5 is objected to because the claim is extremely confusingly written since the third limitation is written much the same as a run on sentence and does not present the features in a clear and concise manner. That is, the use of "in the case" in line 10, "thus read in the case" inline 14 and "thus read in the case" in line 18 all create confusion with the claim itself. Suffice to say that it appears the applicant is attempting to claim steps that occur depending on the "case", wherein the "case" has been

Conclusion

5. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is (571) 272 - 3684. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached at (571) 272 - 3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anthony Knight
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Ronald D Hartman Jr.
Examiner
Art Unit 2121